

The opinion in support of the decision being entered today  
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* RONALD P. SANSONE

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Appeal No. 2007-2250  
Application No. 09/818,480  
Technology Center 3600

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Decided: October 11, 2007

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Before TERRY J. OWENS, ANITA PELLMAN GROSS, and  
ROBERT E. NAPPI *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final  
rejection of claims 1 through 34. For the reasons stated *infra*, we will not  
sustain the Examiner's rejection of these claims.

## INVENTION

The invention is directed to a method of notifying people that they will receive letters or packages prior to physical delivery. See page 3 of Appellant's Specification. Claim 1 is representative of the invention and reproduced below:

1. A method that enables a recipient to inform a carrier of the manner in which the recipient wants some or all of their mail that is placed in trays or tubs by the sender and is transported in trays or tubs delivered, said method comprises the steps of:

scanning the name and physical address of the recipient and the sender of the mail after the mail has been sealed;

capturing by the sender the name and physical address of the recipient and the sender in the form of an image;

transmitting the image to a data center where the image is processed by translating the image consisting of text and graphics to selected alphanumerics;

translating the name and physical address of the recipient into an e-mail address;

notifying the recipient of the expected delivery of the sealed mail and indicating the selected alphanumerics of the translated image;

depositing with the carrier the sealed mail containing the recipient's name and physical address and the sender's name and address;

notifying a data center by the recipient of the manner in which the recipient wants some or all of their mail delivered;

notifying by the data center the carrier of the manner in which the recipient wants the mail delivered; and

delivering by the carrier mail to the recipient in the manner specified by the recipient to the carrier.

## REFERENCES

The references relied upon by the Examiner are:

Higgins	US 5,754,671	May 19, 1998
Smith (Smith '808)	US 2002/0042808 A1	Apr. 11, 2002 (effectively filed Sep. 29, 2000)
Smith (Smith '306)	US 2002/0095306 A1	Jul. 18, 2002 (effectively filed Sep. 29, 2000)

## REJECTION AT ISSUE

Claims 1 through 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith ('306 or '808) in view of Higgins. The Examiner's rejection is set forth on pages 4 through 7 of the Answer. Throughout the opinion, we make reference to the Brief (filed January 30, 2006) and the Answer (mailed September 1, 2006) for the respective details thereof.

## ISSUES

Appellant contends that the Examiner's rejection of independent claim 1 under 35 U.S.C. § 103(a) is in error. Appellant asserts that:

Neither Smith nor Higgins, taken separately or together, discloses or anticipates the steps of claim 1, namely, capturing by the sender the name and physical address of the recipient and the sender in the form of an image; transmitting the image to a data center where the image is processed by translating the image consisting of text and graphics to selected alphanumerics; translating the name and physical address of the recipient into an e-mail address; and notifying the recipient of the expected delivery of the sealed mail and indicating the selected alphanumerics of the translated image.

(Br. 15, 16.)

The Examiner responds stating:

[T]he modified method of Smith et al. does include the essential method steps of capturing', transmitting', translating; and notifying to enable a recipient to inform a carrier of the manner in which the recipient wants some or all of their mail. Furthermore, the appellant never expressly claim a particular approach (e.g. using the user ID or not requiring the ID) to capture the mail piece to patentably distinguish from the prior art. Accordingly, the difference between the appellant's invention and Smith et al. would be obvious.

(Answer 8).

Thus, Appellant's contentions present us with the issue of whether the combination of Smith ('306 or '808) and Higgins would have made obvious a system in which the name and physical address of the recipient and the sender are captured in the form of an image; then the image is processed by translating the image consisting of text and graphics to selected alphanumerics; and then a data center translates the name and physical address of the recipient into an e-mail address.

#### FINDINGS OF FACT

Smith ('306) teaches a mail tracing and tracking system. See abstract. A user of the system accesses a web page and is able to see mail or packages that are to be delivered to the user. The user can also obtain information about the mail or packages. See figure 3 and paragraph 0010. The system allows a user to see an image of the mail; the image may be created by scanning the mail by the Post Office. See figure 6 and paragraph 0038. Smith ('306) teaches that the additional information displayed to the user is

supplied directly from the sender through machine readable code, pre-coded delivery labels, or electronic mailings. See paragraph 0040. The system makes use of a database which links user physical address, e-mail, and user ID. See paragraph 0049. The user ID is used by the system to identify the user and to provide access to the system. See paragraph 0054. Smith ('306) incorporates by reference the disclosure of Smith ('808). See paragraph 0020.

Smith ('808) discloses that the tracking system can be used to perform selected actions with the mail such as change delivery method or location. See paragraph 0015. Further, Smith ('808) teaches that the system can use identifiers other than physical address of the user to determine the identity of the individual to whom the letter or package is destined. Smith ('808) discusses addressing physical letters using an identifier such as an e-mail address; this address can then be correlated with the individual's current physical address. See paragraph 0025. Further, Smith ('808) teaches that the identifiers can be machine read from the letter, and the current physical address is then printed on the letter for physical delivery. See paragraphs 0026 and 0027. We find no discussion in Smith ('808) of scanning in a physical address and translating it to an e-mail address.

Higgins teaches a system for recognition of an address on a letter which has been hand written in cursive. See abstract. We find no discussion in Higgins of scanning a physical address and translating it to an e-mail address.

## PRINCIPLES OF LAW

Office personnel must rely on Appellant's disclosure to properly determine the meaning of the terms used in the claims. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 980, 34 USPQ2d 1321, 1330 (Fed. Cir. 1995). "[I]nterpreting what is *meant* by a word *in* a claim 'is not to be confused with adding an extraneous limitation appearing in the specification, which is improper.'" (emphasis original) *In re Cruciferous Sprout Litigation*, 301 F.3d 1343, 1348, 64 USPQ2d 1202, 1205 (Fed. Cir. 2002) (citing *Intervet America Inc v. Kee-Vet Laboratories Inc.*, 887 F.2d 1050, 1053, 12 USPQ2d 1474, 1476 (Fed. Cir. 1989)).

## ANALYSIS

Independent claim 1 recites "capturing ... the name and physical address of the recipient and the sender in the form of an image ... the image is processed by translating the image consisting of text and graphics to selected alphanumerics ... translating the name and physical address of the recipient into an e-mail address." Thus, we find the scope of claim 1 includes that an image of the letter which contains a physical address is captured, and the physical address is translated into an e-mail address.

As discussed *supra*, we do not find that either of the Smith references teaches translating a physical address to an e-mail address, nor do we find that Higgins teaches this step.<sup>1</sup>

## CONCLUSION

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<sup>1</sup> We note that Kuebert, US 2002/0165729 A1 (of record) does appear to teach this limitation, see paragraphs 22, 27, 36.

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We consider the Examiner's rejection under 35 U.S.C. § 103(a) to be in error as we do not find that the combination of the references applied by the Examiner teaches all of the limitations of independent claim 1. Accordingly, we will not sustain the Examiner's rejection of independent claim 1 or dependent claims 2 through 34 under 35 U.S.C. § 103(a). It is recommended that the Examiner reconsider whether the claims are anticipated or obvious over Kuebert.

#### ORDER

For the forgoing reasons, we will not sustain the Examiner's rejections of claims 1 through 34 under 35 U.S.C. § 103. The decision of the Examiner is reversed.

#### REVERSED

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